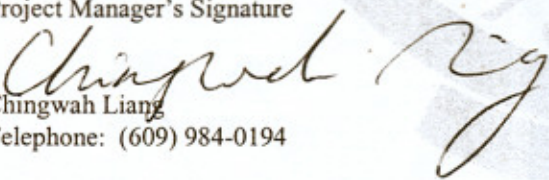




**STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF LAND USE REGULATION**  
501 East State Street, Station Plaza 5, 2<sup>nd</sup> Floor  
P.O. Box 439, Trenton, New Jersey 08625-0439  
Fax: (609) 777-3656 or (609) 292-8115  
www.state.nj.us/dep/landuse



## PERMIT

<p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the limitations, terms and conditions listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc."</p>		Approval Date <b>OCT 12 2007</b>
		Expiration Date <b>OCT 12 2012</b>
Permit Number/s 0000-07-0010.1 FHA 070001 SEP 0000-07-0010.1 FWW 070001 10B	Type of Approval/s Stream Encroachment Freshwater Wetlands	Enabling Statute/s NJSA 13:1D-1 NJSA 13:9B-1 NJSA 58:10A-1 NJSA 58:16A-50, et. seq.
Applicant New Jersey Department of Transportation 1035 Parkway Avenue, P.O. Box 600 Trenton, NJ 08625		Owner (if different from applicant)
Description of Authorized Activities and Limit of Disturbance  This permit grants permission to construct three stormwater outfall structures within the floodplain of Elizabeth River in connection with roadway improvements at the intersection of the Garden State Parkway and Route 78, in the Townships of Union and Hillside in Essex County and the Township of Irvington in Union County. Also authorized in this permit is the disturbance of 0.19 of an acre of Freshwater Wetlands, State open waters, and transition areas under a General Permit No. 10B for the interchange improvements.		
Project Location Garden State Parkway Exit 142 Townships of Hillside and Union, Essex County Township of Irvington, Union County		Received by County Clerk
Project Manager's Signature  Chingwah Liang Telephone: (609) 984-0194		
<b>This permit is not valid unless authorizing signature appears on the last page.</b>		

### STANDARD CONDITIONS:

1. **Extent of approval:** This document grants permission to perform certain activities that are regulated by the State of New Jersey. The approved work is described by the text of this permit and is further detailed by the approved drawings listed below. All work must conform to the requirements, conditions and limitations of this permit and all approved drawings. You must keep a copy of this permit and all approved drawings readily available for inspection at the work site. Approved work may be altered only with the prior written approval of the Department. If you alter the project without prior approval, or expand work beyond the description of this permit, you may be in violation of State law and may be subject to fines and penalties.
2. **Acceptance of permit:** If you begin any activity approved by this permit, you thereby accept this document in its entirety and agree to adhere to all terms and conditions. If you do not accept or agree with this document in its entirety, **do not** begin construction. You are entitled to request an appeal within a limited time as detailed on the attached *Administrative Hearing Request Checklist and Tracking Form*. You may also contact the project manager shown on the first page if you have any questions or concerns about this document.
3. **Recording with County Clerk:** You must record this permit in the Office of the County Clerk for each county involved in this project. You must also mail or fax a copy of the front page of this permit to the Department showing the received stamp from each County Clerk within 30 days of the issuance date (or 90 days if multiple counties are involved). The Department's address and fax number are shown on the first page of this permit.
4. **Notice of Construction:** You must notify the Department in writing at least 7 days before you begin any work approved by this permit. The Department's address and fax number are shown on the first page of this permit. Please direct your letter to the project manager shown on the first page.
5. **Expiration date:** All activities authorized by this permit must be completed by the expiration date shown on the first page. At that time, this permit will automatically become invalid and none of the approved work may begin or continue until a replacement permit is granted. (Some coastal permits may qualify for an extension of the expiration date. Please contact the Department for further information.)
6. **Rights of the State:** This permit is revocable and subject to modification by the State with due cause. The State may inspect the work site and may suspend construction if work does not comply with this permit. This permit does not grant property rights. The issuance of this permit shall not affect any action by the State on future applications, nor affect the title or ownership of property, nor make the State a party in any suit or question of ownership.
7. **Other responsibilities:** You must obtain all necessary local, Federal and other State approvals before you begin work. All work must be stabilized in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey*, and all fill material must be free of toxic pollutants in toxic amounts as defined in section 307 of the Federal Act.

### SPECIAL CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS:

8. Any discharge of dredged or fill material shall consist of clean, suitable material free from toxic pollutants (see 40 CFR 401) in toxic amounts, and shall comply with all applicable Department rules and specifications regarding use of dredged or fill materials.
9. This permit does not authorize the temporary use of any wetlands or transition areas beyond the limits of the proposed work other than specifically approved by this permit or as detailed by approved drawings. Such use of regulated areas applies to the storage or staging of construction materials (including debris/spoil piles), equipment, and workers' vehicles. The applicant shall direct the contractors to locate all staging and storage areas outside of wetlands and wetland buffers not approved for use by this permit.

10. In order to protect the general game fishery resource within the Elizabeth River and its tributaries, grading or construction activities within the State open waters of these or any other watercourses on site are prohibited between **May 1 thru June 30** of each year. In addition, any activity within the 100-year flood plain or flood hazard area draining to these watercourses which could introduce sediment into said watercourses or which could cause an increase in the natural level of turbidity is also prohibited during this period. The Department reserves the right to suspend all regulated activities on site should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.
11. Any and all precautions are to be taken to prevent raw concrete, which is toxic to fish, from coming in contact with the waters of the Elizabeth River and tributaries. *Raw concrete is toxic to aquatic biota.*
12. The streambed must be left intact and any in-stream disturbances (exclusive of the concrete slope protection area) must be restored using native streambed substrate.
13. The streambed is not to be disturbed between the cofferdams. Dewatering of cofferdams must ensure that the water quality of the Elizabeth River and its tributaries is maintained by adhering to the following:
  - a) Turbidity barrier will be placed around all work areas, but the barrier will not restrict any stream channel by more than 50% of its cross-section. The turbidity barrier should be placed parallel with the stream flow and anchored at the shorelines at points upstream and downstream of the work areas so that stream flows can be maintained at the channel center and outside the work areas.
  - b) Turbid water from cofferdam and/or other excavation area dewatering will be routed to temporary sediment basins or filter membrane containers.
  - c) The temporary filtering mechanisms will be sized appropriately to provide retention or filtration of water sufficient to ensure removal of suspended particulates prior to return discharge.
  - d) The return water from the filtering facilities will be discharged to an area that is encompassed by turbidity barrier or silt fence to prevent migration of turbidity or soil erosion.
  - e) The Permittee shall monitor for suspended sediments in nearby streams on a daily basis when any construction/demolition and dewatering is taking place. If sediment discharge is detected, then the project must cease until more appropriate preventative measures are put in place.
  - f) The NJDEP reserves the right to suspend all work activities if turbidity levels of the stream are increased because of the regulated activities.
14. Trees, shrubs, grasses, and other vegetation within 25 feet from the top of all stream banks on site shall not be disturbed for any reason, except where approved by the Department. This applies to all streams and waterways on site, regardless of contributory drainage area.
15. Provisions of the Freshwater Wetlands General Permit No 10B

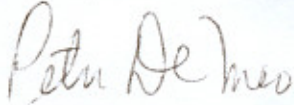
This Freshwater Wetlands General Permit 10B authorizes the disturbance of 0.19-acre (8,313 square feet) of freshwater wetlands, State open water and transition areas for the proposed GSP Interchange 142 improvements. This permit also includes a wetland transition area waiver for disturbance of wetland transition area, which has been determined by the Department to be necessary to accomplish the authorized activities. Any additional disturbance of wetlands, transition areas and/or State open waters shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained prior to the start of the disturbance from the Division of Land Use Regulation. In addition, this permit to conduct a regulated activity in a wetland or open water includes the Department's approval of a Water Quality Certificate for these activities.

16. Areas of temporary excavation must be restored with native, indigenous species. The stream bank must be restored with native vegetation and stabilized with the use of bioengineering materials, such as biologs, fiber matting, etc.
17. The design, character, materials, quality, and workmanship of project construction and project components affecting the New Jersey and National Registers of Historic Places eligible **Garden State Parkway Historic District** shall be compatible with the engineering and architectural character of the historic district and also responsive to the guidance and recommendations contained in the *Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards)*.
18. The New Jersey Department of Transportation shall consult with the HPO regarding the design of the project (including the aesthetic and landscaping treatments adjacent to the **Lightning Brook Section of the Elizabeth River Park Historic District**) and, prior to the conclusion of design and the initiation of the construction bidding process, shall afford the HPO an opportunity to review and comment on a complete set of project plans and specifications for architectural and engineering compatibility with the **Garden State Parkway Historic District** and for conformity with the *Standards*.
19. All excavated material must be disposed of in a lawful manner outside of any regulated flood plain, open water, freshwater wetlands or adjacent transition areas, and in such a way as to not interfere with the positive drainage of the receiving area.
20. Prior to the commencement of site clearing, grading or construction, the permittee must install a silt fence, erected at the limit of disturbance. The fence shall be kept in place and maintained through out the duration of construction, until such time that the site is stabilized.
21. The time limit for backfilling and stabilizing all earth work and for the removal of all temporary fill and other appurtenances in connection with the placement of storm water outfall structures and pipelines shall be thirty (30) days after the commencement of construction for each individual stream crossing and/or section of the project along any stream channel. However, if the construction is located within an acid producing area, the backfilling must be completed without exposing any acid producing deposits for more than eight (8) hours.
22. Upon completion of the project, all temporarily disturbed upland areas within or affecting the regulated flood plain must be restored to their original condition using native soils and indigenous vegetation. Said restoration is to be accomplished under the recommendation and discretion of the local soil conservation district having jurisdiction over the project.
23. The applicant must make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed stormwater measures on this site in accordance with the Department's Best Management Practices Manual. This includes, but is not limited to the cleaning and inspection of all water quality inlets, stormwater management basins, sandfilters, water quality mechanical units and conveyance swales at least 4 times a year and after every storm exceeding 1 inch of rainfall, and the continuous implementation of appropriate soil conservation practices within any basins, grassed swales, stormwater outfall structures and other similar appurtenances throughout the site in order to limit soil erosion and sediment discharge into adjacent waterways.
24. With respect to the proposed mechanical units, the appropriate CDS unit for both Systems 632 and 236 are either the PSWC56\_40 or the PSWC50\_42. These units are appropriate as found on the NJDEP certification page for mechanical treatment devices as opposed to the PWSC50\_40, which is not listed on said page.

25. The drawings hereby approved are the total of thirty-five (35) sheets, prepared by Gannett Fleming, Inc., dated June 2007 and unrevised, unless otherwise noted, entitled:

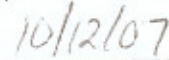
"NEW JERSEY DEPARTMENT OF TRANSPORTATION, STREAM ENCROACHMENT PERMIT APPLICATION, IMPROVEMENTS TO INTERCHANGE 142, GARDEN STATE PARKWAY, CONTRACT NO. 052985450" sheet nos. 1 to 18 of 18

"NEW JERSEY DEPARTMENT OF TRANSPORTATION, PERMIT PLANS, IMPROVEMENTS TO INTERCHANGE 142, GARDEN STATE PARKWAY, CONTRACT NO.", sheet nos. 1 to 17 of 17, undated



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Peter DeMeo, PE  
Acting Section Chief  
Bureau of Urban Growth and Redevelopment



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Date